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4 **UNITED STATES DISTRICT COURT**

5 EASTERN DISTRICT OF CALIFORNIA

6 KEVIN WALKER,

1:02-cv-05801-AWI-GSA-PC

7 Plaintiff,

8 v.

ORDER STRIKING PLAINTIFF'S SURREPLY
(Doc. 125.)

9 UNITED STATES OF AMERICA,
10 et al.,

11 Defendants.
12 _____/

13 Plaintiff is a federal prisoner proceeding pro se and in forma pauperis with this civil action
14 pursuant to Bivens v. Six Unknown Named Agents, 403 U.S. 388 (1971), and the Federal Torts Claims
15 Act ("FTCA"). Plaintiff filed the complaint initiating this action on June 25, 2002. This action now
16 proceeds on the Second Amended Complaint filed August 29, 2005.

17 On September 8, 2008, defendants The Geo Group, Inc. , Andrews, Akanno, Craig, Minnecci,
18 Noriega, and Nichols filed a motion to dismiss pursuant to Rule 12(b)(6). (Doc. 107.) On January 26,
19 2009, plaintiff filed an opposition to the motion. (Doc. 119.) On February 9, 2009, defendants filed a
20 reply to the opposition. (Doc. 121.) On March 20, 2009, plaintiff filed a surreply. (Doc. 125.)

21 The Local Rules provide for a motion, an opposition, and a reply. Neither the Local Rules nor
22 the Federal Rules provide the right to file a surreply, and the court neither requested one nor granted a
23 request on the behalf of plaintiff to file one.

24 Accordingly, IT IS HEREBY ORDERED that plaintiff's surreply, filed March 20, 2009, is
25 STRICKEN from the record.

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27 IT IS SO ORDERED.

28 **Dated: April 16, 2009**

/s/ Gary S. Austin

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UNITED STATES MAGISTRATE JUDGE